

OPINION
57-169

August 27, 1957 (OPINION)

SCHOOL DISTRICTS

RE: Elementary Per Pupil Payments - Permit and Certificate Teachers

Your letter with reference to the above matter dated August 23, 1957, has been received.

You ask two questions:

1. Would a district which otherwise qualifies under the above statutes, which operates two schools, the teacher in one school holds a valid certificate and the teacher in the other school is unqualified, be entitled to payments under the above statutes.

After much consideration and a study into the intent of the Legislature in this matter we have come to the conclusion that a district must employ all certified or permit teachers in order to qualify for payments under section 15-5601, as amended. We realize that there may be some doubt in this matter, but since the language of the statute is that payment shall be made to school districts "employing teachers holding valid certificates or permits" we feel our conclusion in this matter is correct.

2. If a school district is operating two schools and closes one and transports the children from the area of the closed school to the open school and enters into written contract with the patrons, can such district qualify for payment under subsection 6 of section 15-5601?

We do not think that can be done because we believe when the law speaks about entering into a written agreement for the attendance of the children in another school it contemplates an agreement with another school district and not with the patrons of its own district.

LESLIE R. BURGUM

Attorney General